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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DANIELS, ANTHONY J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/083,823

Applicant(s)

HANSON, DAVID

Examiner

Anthony J. Daniels

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2,4-7,9-11,13,14 and 16-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-34 is/are allowed.
- 6) ☒ Claim(s) 2,4-6,9,10,13,14,17-34 is/are rejected.
- 7) ☒ Claim(s) 7,11 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 9/15/2005 have been fully considered but they are not persuasive. In regard to applicant's arguments on p. 9,10, the applicant asserts that, "...neither Niikawa nor Hirasawa, considered alone or in combination, teach or suggest all of the features of claim 6. For example, at the least, neither Niikawa nor Hirasawa teach or suggest a status display control device located on said back region that enables a user of the image capturing device to manually move said status information vertically and/or horizontally within said camera-back display," as is recited in claim 6, as amended. As correctly pointed out in the Office Action, Niikawa does not teach or suggest this feature of claim 6 (see Office Action, page 3 - the claim differs from Niikawa in that the claim further requires that said status display control device controls horizontal and/or vertical movements of said status display within said camera-back display). Additionally, the Examiner has also correctly pointed out that Hirasawa does not teach or suggest this feature (see Office Action, page 3 - "it is respectfully submitted that the examiner has not relied upon the teachings of Hirasawa to meet limitations of moving a status display

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within a camera-back display.”). It is respectfully submitted that just because the examiner has not relied upon the teaching of does not mean the combination is invalid. The combination produces the movement of the status display within the camera-back display of Niikawa et al. As far as Hirasawa, Hirasawa does teach a status display (Figure 21, FADE; *{FADE indicates that fade mode is the current operational parameter of the camera (see Hirasawa, Col. 11, Lines 51-61). It is easy to see how a current operational parameter can be considered a status of the camera.}*) moved within a display (*In the case of Figure 21, it is moved in a horizontal direction*) in accordance with a half-depressed switch button supplied on a back region of the camera (Figure 3, Figure 21; Col. 15, Lines 61-67). Although the display is not located on the camera’s back like Niikawa, it is a display nonetheless, and the cameras of Niikawa and Hirasawa are well within the same field of endeavor. Furthermore, an argument could be made that the monitor (display) of Hirasawa is located on a back-region of the camera, defined by any region of the camera not being the lens which is located in the front as seen in Figure 3, but due to that uncertainty, such an argument is not made which precludes Hirasawa from being used as a 102(b) reference.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 2,4-6,9,10,13,14,17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al. (US 20020171747) in view of Hirasawa (US # 5,579,048).

Claims 6,10,14 will be discussed first.

As to claim 6, Niikawa et al. teaches an image capturing device (Figure 3, image capturing apparatus “1”), comprising: a main body (Figure 3, camera body “2”); a camera-back display (Figure 3, LCD “10”) located on a back region of said main body ([0035]) and adapted to display a captured image in a display area ([0035]); and a status display provided within said display area of said camera-back display (Figure 8, additional information display “10g”; [0080]) and adapted to display status information of said image capturing device (Figure 8, camera status setting display “10j”; [0080]); and a status display control device located on said back region that controls a position of said status display within said camera-back display. The claim differs from Niikawa et al. in that it further requires that said status display control device enables a user to manually move said status display horizontally and/or vertically within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Niikawa et al. to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.

As to claim 10, Niikawa et al. teaches an image capturing device (Figure 3, image capturing apparatus “1”), comprising: a camera-back display (Figure 3, LCD “10”) located on a back region of a main body of said image capturing device for displaying status information (Figure 8); a status display control device (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”) capable of accepting user inputs (Figure 9, “ST12”, “ST17”) and controlling a status display within said camera-back display (Col. 4, “Table 1”; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}*); a memory (Figure 4, ROM, RAM of overall controller “211”, VRAM “210”, “VRAM “220”) including a status information storage area comprising one or more status information items of said image capturing device (*It is inherent in the system of Niikawa et al. that the status information be stored in some area of the memory.*), and a picture-in-picture routine capable of generating said status display (Figure 4, ROM of system controller “211”; [0066], Lines 5-11; *{If the ROM in overall controller produces the image data and information associated with it that is stored in the memory card, it is inherent in the system of Niikawa et al. that it would do the same before it displays that additional information on the LCD.}*); and a processor (Figure 4, overall controller “211”) communicating with said camera-back display (Figure 4, connection between VRAM buffer “210” and LCD “10”), said status display control device (Figure 4, connection with manual controller “250”; [0057]), and said memory (Figure 4, connection with VRAMs “210” and “220” and ROM and RAM), and wherein said processor receives said user inputs (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”; [0057]) and generates said status display ([0066], Lines 5-11; *{If the overall controller produces the image*

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*data and information associated with it that is stored in the memory card, it is inherent in the system of Niikawa et al. that it would do the same before it displays that additional information on the LCD.}*). The claim differs from Niikawa et al. in that it further requires that said status display control device enables a user of the image capturing device to manually move the status information horizontally and/or vertically within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Niikawa et al. to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.

As to claim 14, Niikawa et al. teaches a status information display method for an image capturing device (Figure 8), comprising the steps of: providing a camera-back display (Figure 3, LCD "10") located on a back region of a main body of said image capturing device ([0035]); providing a movable status display within said camera-back display (Figure 8, Figures 12 & 16A/B; *{From the figures, it can be seen that status display can be moved between sizes.}*); and providing a status display control device (Figure 3, crossed switch (U, L, R, D) "35", LCD "31", OK "32", cancel "33", menu "34") that controls a position of said status display within said camera-back display (Col. 4, "Table 1"; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display. Examiner interprets position as being displayed in Figures 12 and*

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*16A, not displayed in Figure 16B, or displayed as a picture-in-picture in format as seen in Figure 8.}); wherein said status display displays one or more status information items relating to operational parameters of said device (Figure 12). The claim differs from Niikawa et al. in that it further requires that said status display control device enables a user of the image capturing device to manually move said status display horizontally and/or vertically within said camera-back display.*

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Niikawa et al. to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.

As to claim 2, Niikawa et al., as modified by Hirasawa, teaches the image capturing device of claim 6, wherein said status display comprises a picture-in-picture display within said camera-back display (see Niikawa et al., Figure 8; *{Applicant defines on p.4, [0013] of specification that a picture-in-picture display is when the status display covers only a portion of the camera-back display.}*).

As to claim 4, Niikawa et al., as modified by Hirasawa, teaches the image capturing device of claim 6, further comprising a status display control device located on said back region (Figure 3, crossed switch (U, L, R, D) “35”, LCD “31”, OK “32”, cancel “33”, menu “34”; [0037]) that controls a size of said status display within said camera-back display (see Niikawa et



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al., Col. 4, "Table 1"; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}* Size of the camera status display is changed as shown in figures 8 and 16A/B).

As to claim 5, Niikawa et al., as modified by Hirasawa teaches the image capturing device of claim 6, further comprising a status display control device located on said back region that enables and disables said status display (see Niikawa et al., Col. 4, "Table 1"; Figure 9; *{The LCD button being pressed controls the LCD&EVF\_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}*).

As to claim 9, Niikawa et al., as modified by Hirasawa, teaches the image capturing device of claim 10, wherein said memory further includes a user-settable display enable variable that enables and disables said status display (see Niikawa et al., Col. 4, Table 1, LCD&EVF\_Status; Figure 9).

As to claim 13, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays said one or more status information items within said camera-back display in a picture-in-picture format (see Niikawa et al., Figure 8; *{Applicant defines on p.4, [0013] of specification that a picture-in-picture display is when the status display covers only a portion of the camera-back display.}*).

As to claim 17, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays a flash mode status information (see Niikawa et al., Figure 12, Flash: AUTO).

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As to claim **18**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays a battery status information (see Niikawa et al., Figure 12, Battery Capacity: 5/10).

As to claim **19**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays an image resolution status information (see Niikawa et al., Figure 12, Resolution: 1600x1200).

As to claim **20**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays a number of captured images (see Niikawa et al., Figure 8; *{Number of images remaining displays indirectly how many were taken.}*).

#### ***Allowable Subject Matter***

4. Claims 21-34 are allowed. The reasons for allowance can be found in the Office Action dated 3/11/2005.

5. Claims 7,11,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The reasons for allowance can be found in the previous Office Action.

#### ***Conclusion***

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Daniels whose telephone number is (571) 272-7362. The examiner can normally be reached on 8:00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD  
11/18/2005

  
DAVID OMETZ  
SUPERVISORY PATENT EXAMINER